

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NIKCI BOYD,

Plaintiff(s),

v.

RAY NELSON,

Defendant(s).

Case No. 2:16-CV-157 JCM (NJK)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Koppe. (Doc. #3). No objections were filed, and the deadline for filing objections has passed.

Magistrate Judge Koppe recommended that plaintiff's action be dismissed without prejudice for failing to pay the filing fee or file an application to proceed *in forma pauperis*.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's **findings and recommendation**, then the court is required to "make a de novo determination of those portions of the [**report and recommendation**] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003)

1 (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are
2 not required to review "any issue that is not the subject of an objection."). Thus, if there is no
3 objection to a magistrate judge's recommendation, then this court may accept the recommendation
4 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
5 magistrate judge's recommendation to which no objection was filed).

6 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine
7 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
8 recommendation, this court finds good cause to ADOPT the magistrate judge's findings in full.

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the report and
11 recommendation of Magistrate Judge Koppe, (doc. #3), are ADOPTED in their entirety.

12 The clerk is instructed to close the case.

13 DATED April 29, 2016.

14 
15 UNITED STATES DISTRICT JUDGE